

**MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

ENOCH ADAMS JR., et al. v. *TECK COMINCO ALASKA INC.*

THE HONORABLE JOHN W. SEDWICK CASE NO. 3:04-cv-00049-JWS

PROCEEDINGS: **ORDER FROM CHAMBERS** Date: January 25, 2008

At docket 185, plaintiffs seek leave to file a summary judgment motion on four discrete legal issues. The motion is opposed at docket 189 and a reply has been filed at docket 204. After examining the parties' papers the court concludes that the "law of the case" doctrine does not preclude consideration of the four issues identified by plaintiffs. None of them has been decided by the court. While the motion would be filed long after the deadline for dispositive motions, the court recognizes that the four legal issues identified by plaintiffs will have to be decided at some point. The court is also aware that the parties (with encouragement of the court) spent a lot of time trying to settle this case. With these considerations in mind, the court exercises its discretion to permit the late filing of the motion.

For the reasons above, the motion at docket 185 is **GRANTED** as follows:

1. Plaintiffs shall file a single motion for summary judgment addressing the four issues identified in the motion papers at dockets 185 and 204, and shall not raise any additional issues.
 2. Plaintiffs shall file and serve their motion on or before February 8, 2008.
 3. Defendants shall file and serve their response on or before February 18, 2008.
 4. Plaintiffs may file and serve a reply on or before February 21, 2008.
 5. The court is of the view that oral argument would almost certainly not assist in deciding the particular issues that have been identified. If any party requests oral argument, the request must show what needs to be heard at oral argument that is not in the motion papers.
 6. The parties must strictly adhere to the page limitations set out in the local rules. The court will **NOT** grant any request to exceed the normal page limitations set in the local rules for the briefing respecting the motion authorized by this order.
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